

रजिस्टर्ड नं. वी. ० ४६१



राजपत्र, हिमाचल प्रदेश

(असाधारण)

हिमाचल प्रदेश राज्यशासन द्वारा प्रकाशित

सिंहला, नंगलबार, 18 मई, 1971/ 28 बैशाख, 1893

GOVERNMENT OF HIMACHAL PRADESH

**LAW DEPARTMENT
NOTIFICATION**

Simla-2, the 29th April, 1971

No. 6-3/71-LR.—The Salaries and Allowances of Ministers (Himachal Pradesh) Bill 1971 (Bill No. 3 of 1971), after having received the assent of the Governor, Himachal Pradesh on the 22nd April, 1971, under Article 200 of the Constitution of India, is hereby published in the Rajpatra, Himachal Pradesh as Act No. 3 of 1971.

**B. D. SHARMA,
Secretary.**

Act No. 3 of 1971

THE SALARIES AND ALLOWANCES OF MINISTERS
(HIMACHAL PRADESH) ACT, 1971

AN

ACT

to provide for the salaries and allowances of Ministers in the State of Himachal Pradesh.

BE it enacted by the Legislative Assembly of Himachal Pradesh in the Twenty-second Year of the Republic of India as follows:—

Short title
and com-
mencement.

1. (1) This Act may be called the Salaries and Allowances of Ministers (Himachal Pradesh) Act, 1971.

(2) It shall be deemed to have come into force with effect from the 25th January, 1971, except section 6, which shall be deemed to have come into force on the 20th December, 1963.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,—

(a) "House" includes the staff quarters and other buildings appurtenant thereto, and the gardens thereof.

(b) "Maintenance" in relation to a house shall include the payment of local rates and taxes, and charges for electricity and water.

(c) "Minister" means a Member of the Council of Ministers, by whatever name called.

Salaries of
Ministers.

3. There shall be paid to each Minister a salary at the rate of fifteen hundred rupees per mensem, and to the Chief Minister, in addition, a sumptuary allowance at the rate of five hundred rupees per mensem.

Residence
of Ministers.

4. Each Minister shall be provided with a free furnished house, the maintenance charges of which shall be borne by the State Government; or in lieu of such house, shall be paid an allowance not exceeding three hundred rupees per mensem, as the Government may in each case fix. The State Government may also allow him to continue in free occupation of the house provided to him for a period not exceeding fifteen days from the date of his ceasing to be a Minister.

Explanation.—The Minister shall not become liable personally for any payment in case the standard rent of the house allotted to him for residence exceeds three hundred rupees per mensem.

Conveyance
Allowance.

5. (1) Each Minister shall be entitled to the use of a car the expenses on the maintenance and propulsion of which shall be borne by the State Government or in lieu thereof to a conveyance allowance of three hundred rupees per month:

Provided that the maintenance and propulsion expenses of the State car in use by the Minister shall not be subject to the limit of three hundred rupees per mensem.

(2) A Minister may opt for the services of a chauffeur on Government expense in lieu of conveyance allowance provided in sub-section (1) if he uses his own motor-car.

6. A Minister who has not drawn conveyance allowance admissible to him under the Salaries and Allowances of Ministers (Himachal Pradesh) Act, 1963, after the 20th December, 1963 and has used the Government motor-car, shall be deemed to have used such motor-car as if the costs of maintenance and propulsion of which have been met by the Government.

7. There may be paid to each Minister by way of repayable advance such sum of money, and subject to such conditions as may be determined by rules made in this behalf, for the purchase of a motor-car, in order that he may be able to discharge conveniently and efficiently the duties of his office.

8. (1) Each Minister shall be entitled to have a telephone installed at any place within his constituency or at his permanent place of residence, if such facility is available at such place at normal rates and without incurring any additional cost, as may be specified by him, and after the place of installation is so specified, the charges for first installation of, security deposit and annual rent for, such telephone shall be borne by the State Government and all other expenses such as those relating to local and outside calls shall be paid by the Minister:

Provided that the expenditure on local and outside calls incurred by a Minister in any month shall be reimbursed by the Government subject to a maximum of fifty rupees.

(2) All expenses which are payable by a Minister in relation to the telephone installed under sub-section (1) shall be paid by him directly in cash and if it is not so done, the same may be adjusted by the State Government against any amount due to him from the State Government.

9. No person in receipt of a salary or allowance under this Act shall be entitled to receive any sum out of funds provided by the Legislative Assembly of Himachal Pradesh by way of salary or allowance in respect of his membership of such Assembly.

10. The date on which any person became or ceased to be a Minister shall be published in the Official Gazette of the Himachal Pradesh Government and any such notification shall be conclusive evidence of the fact that he became, or ceased to be a Minister on that date for all the purposes of this Act.

11. The travelling and daily allowances of the Ministers, shall be regulated in accordance with such rules as may be framed or adopted by the State Government from time to time:

Provided that no mileage or travelling allowance shall be chargeable in respect of journeys performed in a State car.

12. (1) The Salaries and Allowances of Ministers (Himachal Pradesh) Act, 1963 and the Salaries and Allowances of Ministers (Himachal Pradesh) Ordinance, 1971 are hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken or purporting to have been done or taken (including any rules, notifications or orders made or issued) in exercise of any power conferred by or under the said Act and Ordinance shall be deemed to have been done or taken under this Act.

LAW DEPARTMENT
NOTIFICATION

Simla-2, the 29th April, 1971

No. 6-2/1-LR.—The Himachal Pradesh Legislative Assembly Speaker's and Deputy Speaker's Salaries Bill, 1971 (Bill No. 4 of 1971), after having received the assent of the Governor, Himachal Pradesh on the 22nd April, 1971 under Article 200 of the Constitution of India is hereby published in the Rajpatra, Himachal Pradesh as Act No. 4 of 1971.

B. D. SHARMA,
Secretary.

Act No. 4 of 1971.

THE HIMACHAL PRADESH LEGISLATIVE ASSEMBLY SPEAKER'S AND DEPUTY SPEAKER'S SALARIES ACT, 1971

ACT

to provide for the salaries and allowances of the Speaker and the Deputy Speaker of the Legislative Assembly of the Himachal Pradesh.

BE it enacted by the Legislative Assembly of Himachal Pradesh in the Twenty-second Year of the Republic of India as follows:—

1. (1) This Act may be called the Himachal Pradesh Legislative Assembly Speaker's and Deputy Speaker's Salaries Act, 1971.

(2) It shall be deemed to have come into force with effect from 25th January, 1971 but section 5 shall be deemed to have come into force on the 18th day of February, 1970.

2. In this Act, unless the context otherwise requires,—

(a) "House" includes the staff quarters and other buildings appurtenant thereto, and the gardens thereof.

(b) "Maintenance" in relation to a house shall include the payment of local rates and taxes, and charges for electricity and water.

3. There shall be paid to the Speaker of the Himachal Pradesh Legislative Assembly a salary at the rate of fifteen hundred rupees per mensem and there shall in addition be provided by the State Government a free furnished house at Simla for him the maintenance charges of which shall be borne by the State Government. The State Government may also allow him to continue in free occupation of the house for a period not exceeding fifteen days from the date of his ceasing to be the Speaker.

Short title and concer...

Definition

Salary of the Spe...

4. There shall be paid to the Deputy Speaker of the Himachal Pradesh Legislative Assembly a salary at the rate of eight hundred rupees per mensem and there shall in addition be provided by the State Government a free furnished house at Simla for him the maintenance charges of which shall be borne by the State Government or in lieu thereof he shall be paid such allowance not exceeding one hundred and fifty rupees per mensem as the State Government may fix. The State Government may also allow him to continue in free occupation of the house for a period not exceeding fifteen days from the date of his ceasing to be the Deputy Speaker.

Salary of the De...
Spe...

Explanation.—The Deputy Speaker shall not become liable personally for any payment in case the standard rent of the house allotted to him for residence exceeds one hundred and fifty rupees per mensem.

5. There shall be paid to the Deputy Speaker a salary at the rate of seven hundred rupees per mensem from the 18th day of February, 1970 to 24th day of January, 1971 and he shall be entitled to draw the arrears at the rate of two hundred rupees per mensem after deducting the salary of five hundred rupees per mensem already drawn by him under the Salaries and Allowances of the Speaker and the Deputy Speaker of the Legislative Assembly (Himachal Pradesh) Act, 1963.

Salary of the Depu...
Spea...
from 18-2-70
24-1-71

Conveyance Allowance.

6. (1) Speaker and Deputy Speaker shall each be entitled to the use of a car the expenses on the maintenance and propulsion of which shall be borne by the State Government, or in lieu thereof to a conveyance allowance of three hundred rupees per mensem:

Provided that the maintenance and propulsion expenses of the State car in use by the Speaker or Deputy Speaker shall not be subject to the limit of three hundred rupees.

(2) Speaker or Deputy Speaker may opt for the services of a chauffeur on Government expense in lieu of conveyance allowance provided in sub-section (1) if he uses his own motor-car.

Advance of loan to the Speaker and the Deputy Speaker.

7. There may be paid to the Speaker or the Deputy Speaker by way of repayable advance such sum of money, and subject to such conditions as may be determined by rules made in this behalf by the State Government, for the purchase of motor-car, in order that he may be able to discharge conveniently and efficiently the duties of his office.

Free installation of the telephone.

8. (1) The Speaker and the Deputy Speaker shall each be entitled to have a telephone installed at any place within his constituency or at his permanent place of residence, if such facility is available at such place at normal rates and without incurring any additional cost, as may be specified by him and after the place of installation is so specified, the charges of first installation of, security deposit and annual rent for, such telephone shall be borne by the State Government and all other expenses such as those relating to local and outside calls shall be paid by the Speaker or the Deputy Speaker, as the case may be:

Provided that the expenditure on local and outside calls incurred by the Speaker or the Deputy Speaker, as the case may be, in any month shall be re-imbursed by the Government subject to a maximum of fifty rupees.

(2) All expenses which are payable by the Speaker or the Deputy Speaker in relation to the telephone installed under sub-section (1) shall be paid by the Speaker or the Deputy Speaker, as the case may be, directly in cash and if it is not so done, the same may be adjusted by the State Government against any amount due to the Speaker or the Deputy Speaker, as the case may be, from the State Government.

Speaker not to practise any profession.

9. The Speaker shall not practise any profession or engage in any trade or receive any money for employment other than his duties as Speaker.

Travelling Allowance.

10. The travelling and daily allowances of the Speaker and the Deputy Speaker shall be regulated in accordance with such rules as may be framed or adopted by the State Government from time to time:

Provided that no mileage or travelling allowance shall be chargeable in respect of journey performed in a State car.

Speaker and Deputy Speaker not to draw any salary as members of the Assembly.

11. The Speaker and the Deputy Speaker shall not be entitled to receive any sum out of funds provided by the Assembly by way of salary or allowances in respect of their membership of such Assembly.

12. The date on which any person became or ceased to be a Speaker or Deputy Speaker shall be published in the Official Gazette of the State of Himachal Pradesh and any such notification shall be conclusive evidence of the fact that he became or ceased to be the Speaker or the Deputy Speaker on that date for all the purposes of this Act.

13. (1) The State Government may, by notification in the Official Gazette of the State of Himachal Pradesh, ~~make rules for carrying out the purposes of this Act.~~

(2) All rules made under this Act shall be laid before the Legislative Assembly as soon as may be after they are made.

14. (1) The Salaries and Allowances of the Speaker and the Deputy Speaker of the Legislative Assembly (Himachal Pradesh) Act, 1963 and the Salaries and Allowances of the Speaker and the Deputy Speaker of the Legislative Assembly (Himachal Pradesh) Ordinance, 1971, are hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken or purporting to have been done or taken (including any rules, notifications or orders made or issued) in exercise of any power conferred by or under the said Act or Ordinance shall be deemed to have been done or taken under this Act.

3 of 1963
2 of 1971

LAW DEPARTMENT
NOTIFICATION

Simla-2, the 29th April, 1971

No. 6-3/71-LR.—The Salaries and Allowances of Deputy Ministers (Himachal Pradesh) Bill, 1971 (Bill No. 5 of 1971), after having received the assent of the Governor, Himachal Pradesh on the 22nd April, 1971, under Article 200 of the Constitution of India, is hereby published in the *Rajpatra*, Himachal Pradesh as Act No. 5 of 1971.

B. D. SHARMA,
Secretary.

Act No. 5 of 1971.

THE SALARIES AND ALLOWANCES OF DEPUTY MINISTERS
(HIMACHAL PRADESH) ACT, 1971

AN

ACT

to provide for the salaries and allowances of Deputy Ministers in the State of Himachal Pradesh.

BE it enacted by the Legislative Assembly of the State of Himachal Pradesh in the Twenty-second Year of the Republic of India as follows:—

1. (1) This Act may be called the Salaries and Allowances of Deputy Ministers (Himachal Pradesh) Act, 1971.

(2) It shall be deemed to have come into force with effect from the 25th January, 1971, but section 4 shall be deemed to have come into force on the 18th day of February, 1970 and section 7 shall be deemed to have come into force on the 18th day of March, 1967.

2. In this Act, unless the context otherwise requires,—

(a) "House" includes the staff quarters and other buildings appurtenant thereto and the gardens thereof.

(b) "Maintenance" in relation to a house shall include the payment of local rates and taxes and charges for electricity and water.

3. There shall be paid to each Deputy Minister a salary at the rate of eight hundred rupees per mensem, exclusive of income-tax.

4. There shall be paid to each Deputy Minister a salary at the rate of seven hundred rupees per mensem from the 18th day of February, 1970 to 24th day of January, 1971 and they shall be entitled to draw the arrears at the rate of two hundred rupees per mensem after deducting the salary of five hundred rupees per mensem already drawn by them under the Salaries and Allowances of Ministers (Himachal Pradesh) Act, 1963.

5. Each Deputy Minister shall be entitled (free of income-tax) throughout his term of office and for a period of fifteen days immediately thereafter to the use of a house for residence furnished and maintained by the State Government or in lieu thereof he shall be paid such allowance not exceeding one hundred and fifty rupees per mensem as the State Government may fix.

Explanation.—The Deputy Minister shall not become liable personally for the payment in case the standard rent of the house allotted to him for residence exceeds one hundred and fifty rupees per mensem.

6. (1) Each Deputy Minister shall be entitled to the use of a car the expenses on the maintenance and propulsion of which shall be borne by the State Government, or in lieu thereof to a conveyance allowance of three hundred rupees per mensem:

Provided that the maintenance and propulsion expenses of the State car in use by the Deputy Minister shall not be subject to the limit of three hundred rupees.

(2) A Deputy Minister may opt for the services of a chauffeur on Government expense in lieu of conveyance allowance provided in sub-section (1) if

he uses his own motor-car.

Validation
of the use
of Govern-
ment motor-
car by a
Deputy
Minister.

7. A Deputy Minister who has not drawn conveyance allowance admissible to him under the Salaries and Allowances of Ministers (Himachal Pradesh) Act, 1963, after the 18th March, 1967 and had used the Government motor-car, shall be deemed to have used such motor-car as if the costs of maintenance and propulsion of which have been met by the Government.

Advance of
loan to
Deputy
Ministers
for purchase
of motor-
car.

8. There may be paid to each Deputy Minister by way of repayable advance such sum of money, and subject to such conditions, as may be determined by rules made in this behalf, for the purchase of a motor-car, in order that he may be able to discharge conveniently and efficiently the duties of his office.

Free instal-
lation of
telephone.

9. (1) Each Deputy Minister shall be entitled to have a telephone installed at any place within his constituency or at his permanent place of residence, if such facility is available at such place at normal rates and without incurring an additional cost as may be specified by him, and after the place of installation has been so specified, the charges for first installation of security deposit and annual rent for, such telephone shall be borne by the State Government and all other expenses such as those relating to local and outside calls shall be paid by the Deputy Minister:

Provided that the expenditure on local and outside calls incurred by a Deputy Minister in any month shall be re-imbursed by the Government subject to a maximum of fifty rupees.

(2) All expenses which are payable by a Deputy Minister in relation to the telephone installed under sub-section (1) shall be paid by him directly in cash and if it is not so done, the same may be adjusted by the State Government against any amount due to him from the State Government.

Deputy
Ministers
not to draw
salary or
allowance
as member
of the State
Legislature.

Notification
respecting
appointment
etc. of
Deputy
Ministers to
be conclu-
sive evi-
dence there-
of.

Power to
make rules.
etc.

Savings.

10. No person in receipt of a salary or allowance under this Act shall be entitled to receive any sum out of funds provided by the State Legislature by way of salary or allowance in respect of his membership of State Legislature.

11. The date on which any person became or ceased to be a Deputy Minister shall be published in the Official Gazette of the State of Himachal Pradesh, and any such notification shall be conclusive evidence of the fact that he became, or ceased to be, a Deputy Minister on that date for all the purposes of this Act.

12. The travelling and daily allowances of the Deputy Minister shall be regulated in accordance with such rules as may be framed or adopted by the State Government from time to time:

Provided that no mileage or travelling allowance shall be chargeable in respect of journey performed in a State car.

13. Any appointment, notification, order, rule, made or issued under the Salaries and Allowances of Ministers (Himachal Pradesh) Act, 1963 or the Salaries and Allowances of Ministers (Himachal Pradesh) Ordinance, 1971, shall, so far as it is not inconsistent with the provisions of this Act, continue in force, and be deemed to have been made or issued under the

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provisions of this Act, unless and until it is superseded by any appointment, notification, order or rule made or issued under the provisions of this Act.

LAW DEPARTMENT

NOTIFICATION

Simla-2, the 29th April, 1971

No. 6-11/71-LR.—The Himachal Pradesh State Legislature Officers, Ministers and Members (Medical Facilities) Bill, 1971 (Bill No. 7 of 1971), after having received the assent of the Governor, Himachal Pradesh on the 22nd April, 1971 under Article 200 of the Constitution of India, is hereby published in the Rajpatra, Himachal Pradesh as Act No. 6 of 1971.

B. D. SHARMA,
Secretary.

Act No. 6 of 1971.

THE HIMACHAL PRADESH STATE LEGISLATURE OFFICERS,
MINISTERS AND MEMBERS (MEDICAL FACILITIES) ACT, 1971

AN

ACT

to extend medical facilities to persons holding certain offices in the State of Himachal Pradesh.

BE it enacted by the Legislative Assembly of Himachal Pradesh in the Twenty-second Year of the Republic of India as follows:—

1. (1) This Act may be called the Himachal Pradesh State Legislature Officers, Ministers and Members (Medical Facilities) Act, 1971.

(2) It shall be deemed to have come into force with effect from the 25th January, 1971.

2. (1) Notwithstanding anything contained in any other law for the time being in force, every person holding, for the time being, any of the following offices shall be entitled to such medical facilities for himself and for members of his family as may be prescribed by rules made by the State Government in this behalf, namely:—

(i) the Speaker or the Deputy Speaker of the Himachal Pradesh Legislative Assembly;

(ii) a Minister or a Deputy Minister of the State of Himachal Pradesh: or

(iii) a Member of the Himachal Pradesh Legislative Assembly.

(2) All rules with regard to accommodation in hospitals and medical treatment applicable to officers mentioned in sub-section (1), immediately before the commencement of this Act, shall continue in force till the rules under this Act are made.

(3) Every rule made under sub-section (1) shall be laid, as soon as may be after it is made, before the Legislative Assembly while it is in session for a total period of not less than fourteen days which may be comprised in one session or in two or more successive sessions, and if before the expiry of the session in which it is so laid or the sessions aforesaid, the Assembly makes any modification in the rule or decides that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

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LAW DEPARTMENT

NOTIFICATION

Simla-2, the 29th April, 1971

No. 6-28/67-LR.—The Himachal Pradesh Legislative Assembly Members (Removal of Disqualifications) Bill, 1971 (Bill No. 8 of 1971), after having received the assent of the Governor, Himachal Pradesh on the 22nd April, 1971, under Article 200 of the Constitution of India, is hereby published in the *Rajpatra*, Himachal Pradesh as Act No. 7 of 1971.

B. D. SHARMA,
Secretary.

Act No. 7 of 1971.

THE HIMACHAL PRADESH LEGISLATIVE ASSEMBLY
MEMBERS (REMOVAL OF DISQUALIFICATIONS) ACT, 1971

AN

ACT

to declare certain offices of profit under the Government of India, or the Government of any State specified in the First Schedule to the Constitution not to disqualify their holders for being chosen as, or for being, members of the Himachal Pradesh Legislative Assembly.

BE it enacted by the Legislative Assembly of Himachal Pradesh in the Twenty-second Year of the Republic of India as follows:—

1. (1) This Act may be called the Himachal Pradesh Legislative Assembly Members (Removal of Disqualifications) Act, 1971

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and
mem.

(2) It shall come into force at once.

Date

2. In this Act, unless the context otherwise requires:—

(a) "compensatory allowance" means such sum of money as the Government may determine as being payable to the holder of an office by way of travelling allowance, daily allowance, sitting allowance, conveyance allowance or house rent allowance for the purpose of enabling him to recoup any expenditure incurred by him in performing the functions of that office;

(b) "statutory body" means any corporation, committee, commission, council, board or other body of persons, whether incorporated or not, established by or under any law for the time being in force;

(c) "non-statutory body" means any body of persons other than a statutory body.

3. A person shall not be disqualified for being chosen as, and for being, a member of the Himachal Pradesh Legislative Assembly by reason only of the fact that he holds any of the following offices of profit under the Government of India or the Government of any State:—

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(a) the office of a Deputy Minister or Minister of State;

(b) any office held by a Minister, Minister of State, or Deputy Minister whether *ex-officio* or by name;

(c) the office of the Speaker or the Deputy Speaker of the Himachal Pradesh Legislative Assembly or of Parliament or of the Legislative Assembly of any other State;

(d) the office of the Chief Parliamentary Secretary or Parliamentary Secretary;

(e) the office of the Chief Whip, Deputy Chief Whip or Whip in any Legislative Assembly or in Parliament;

(f) the office of village revenue officer whether called a lamberdar, malguzar, patel, deshmukh or by any other name, whose duty is to collect land revenue and who is remunerated by a share of or commission on, the amount of land revenue collected by him, but who does not discharge any police functions;

(g) any office in the National Cadet Corps, the Territorial Army, the Air Defence Reserve and the Auxiliary Air Force under any law for the time being in force;

(h) the office of a member of a Home Guard constituted under any law for the time being in force in any State;

- (i) the office of chairman or member of the Syndicate, Senate, Executive Committee, Council or Court of a University or any other body connected with a University;
- (j) the office of the Vice-Chancellor of any University;
- (k) the office of a member of any delegation or mission sent outside India by the Government of India or the Government of any State or sent outside the State of Himachal Pradesh by the Government of the said State for any special purpose;
- (l) the office of chairman or member of a committee (whether consisting of one or more members) set up temporarily for the purpose of advising the Government or any other authority in respect of any matter of public importance or for the purpose of making an inquiry into, or collecting statistics in respect of, any such matter, if the holder of such office is not entitled to any remuneration other than compensatory allowance;
- (m) the office of chairman or vice-chairman, director or member of any statutory or non-statutory body other than any such body as is referred to in clause (l) if the holder of such office is not entitled to any remuneration other than compensatory allowance;
- (n) the office of any honorary medical officer or honorary assistant medical officer in a hospital under Government management;
- (o) a person drawing his service pension, political pension or grant, mansab, charitable grant or commutation sum of compensation in respect of a jagir, inam or other grant;
- (p) the office of an agent or other like office for the purpose of effecting sales of or collecting subscriptions towards, National Plan Certificates or any other savings certificates or Government securities notified as such by the Central Government for such commission as the Central Government may have fixed in that behalf or without such commission;
- (q) the office of an examiner for any examination held by the Central or State Government or by the Union Public Service Commission or any State Public Service Commission;
- (r) the office of Sarpanch or member of a Panchayat under any law for the time being in force.

Determination of question arising after the commencement of the Act.

4. Any question arising after the commencement of this Act as to any office being an office of profit under the Government of India or the Government of any State shall be determined as if the provisions of this Act had been in force at all material dates.

Repeal and saving

5. The Himachal Pradesh Legislative Assembly Members (Removal of Disqualifications) Ordinance, 1971 (Himachal Pradesh Ordinance No. 4 of 1971) is hereby repealed.

Notwithstanding such repeal, anything done or any action taken under the aforesaid Ordinance, shall be deemed to have been done or taken under this Act as if this Act had commenced on the 25th January, 1971.

LAW DEPARTMENT
NOTIFICATION

Simla-2, the 29th April, 1971

No. 6-4/71-LR.—The Himachal Pradesh Legislative Assembly (Allowances of Members) Bill, 1971 (Bill No. 6 of 1971), after having received the assent of the Governor, Himachal Pradesh on the 23rd April, 1971, under Article 200 of the Constitution of India, is hereby published in the *Rajpatra*, Himachal Pradesh as Act No. 8 of 1971.

B. D. SHARMA,
Secretary.

Act No. 8 of 1971.

THE HIMACHAL PRADESH LEGISLATIVE ASSEMBLY
(ALLOWANCES OF MEMBERS) ACT, 1971

AN

ACT

to provide for allowances of the Members of the Legislative Assembly of Himachal Pradesh.

BE it enacted by the Legislative Assembly of the Himachal Pradesh in the Twenty-second Year of the Republic of India as follows:—

Short title
and com-
mencement.

1. (1) This Act may be called the Himachal Pradesh Legislative Assembly (Allowances of Members) Act, 1971.

(2) It shall be deemed to have come into force with effect from the 25th January, 1971.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,—

(a) "Assembly" means the Legislative Assembly of Himachal Pradesh;

(b) "Committee" means a Select Committee or Committee of the Assembly and includes any Committee appointed by the State Government for a purpose connected with the business of the Government;

(c) "Member" means a member of the Assembly, other than a Minister, Deputy Minister, Speaker or Deputy Speaker;

(d) "Meeting" means a meeting of the Assembly or of a Committee thereof;

(e) "prescribed" means prescribed by rules made under this Act; and

(f) "Speaker" means the Speaker of the Assembly.

Compensa-
tory Allow-
ance.

3. (1) Subject to the conditions herein contained, there shall be paid to each member a compensatory allowance at the rate of five hundred rupees per mensem with effect from the commencement of this Act or from the date on which he takes his oath, whichever is later.

(2) If a member—

(a) fails to attend at least ninety per centum of the total number of meetings held in any month; or

(b) elected during the course of a month fails to attend at least ninety per centum of the total number of meetings held in that month subsequent to the date on which he takes his oath;

he shall not for that month be paid any compensatory allowance other than an allowance at the rate of twenty rupees for every meeting actually attended by him as such member unless he satisfies the Secretary of the Assembly that he was prevented by reason of ill-health or any other sufficient cause from attending the required number of meetings:

Provided that no member who draws the compensatory allowance prescribed in this sub-section shall receive a sum greater than ninety per centum of the amount that would be due to him in any one month under sub-section (1) had he attended the requisite number of meetings.

(3) Where, in any month, there have been no meetings, the member shall be paid the full compensatory allowance for such month.

(4) Notwithstanding anything hereinbefore contained no compensatory allowance shall be paid to any member in respect of any period during which he was under legal detention under any law for the time being in force.

(5) A member who does not wish to draw the compensatory allowance at the rate of five hundred rupees per mensem provided in sub-section (1), shall be entitled to receive a salary at the rate of two hundred and fifty rupees per mensem from the 25th day of January, 1971, till the dissolution of the existing Assembly and in such a case the provisions of sub-section (2), (3) and (4) shall not be applicable.

4. (1) Subject to such conditions and limitations as may be imposed by rules made under this Act, there shall be paid to each member:—

(i) such travelling allowance as may be prescribed;

(ii) a halting allowance at the rate of thirty-five rupees per day for each day of attendance at a meeting of the Assembly or Committee or in respect of journeys undertaken under the orders of the Speaker for any other business anywhere connected with his duties as a member:

Provided that if a member has been ordered to absent himself from a meeting or meetings of the Assembly under the Rules of Procedure and Conduct of Business in the Himachal Pradesh Legislative Assembly for the time being in force, he shall not be entitled to get allowance for such period of absence:

Provided further that a member shall also be entitled to halting allowance,—

(a) where he arrives for attending a meeting of the Assembly one or two days earlier to the date of such meeting, or departs from the place of such meeting one or two days immediately after the date on which the Assembly is adjourned *sine die*, for such one or two days, as the case may be, of arrival and departure; and

(b) where he arrives for attending a meeting of a Committee one day earlier to the date of such meeting, or departs from the place of such meeting one day immediately after the conclusion of the business of the Committee, for such one day of arrival and departure.

(iii) an incidental allowance at the rate of five rupees for the day of departure from and an incidental allowance at the rate of five rupees for the day of arrival at the usual place of residence of the member when he leaves his usual place of residence to attend a meeting and returns thereto after the meeting.

Explanation.—A break of less than four days between two successive meetings of the Assembly or Committee shall be deemed to be a day or days of attendance for a member, who does not leave the place of the meeting during such break:

Provided that nothing in this section shall entitle any member to travelling or halting allowance if such person ordinarily resides or carries on business at any place within five miles of the place at which his attendance is required in connection with his duties as member.

(2) A member who does not wish to draw the halting allowance at the rate of thirty-five rupees per day as provided in sub-section (1), shall be entitled to an allowance at the rate of twenty-five rupees for each day during any period of residence on duty from the 25th day of January, 1971, till the dissolution of the existing Assembly and in such a case the provisions of clauses (ii) and (iii) of sub-section (1) shall not apply.

Explanation.—(1) For the purpose of this sub-section “period of

residence on duty" means the period during which a member resides at a place where a session of the Assembly or a sitting of a Committee is held or where any other business connected with his duties as such member is transacted, for the purpose of attending such session or sitting or for the purpose of attending to such other business, and includes, except in the case of a member who ordinarily resides at a place where a session of the Assembly or a sitting of the Committee is held or where any other business connected with his duties as such is transacted.

- (i) in the case of a session of the Assembly, a period of such residence, not exceeding three days, immediately preceding the commencement of the session and a period of such residence, not exceeding three days, immediately succeeding the date on which the Assembly is adjourned *sine die* or for a period exceeding seven days; and
- (ii) in the case of a sitting of a Committee or any other business, a period of such residence, not exceeding two days immediately preceding the commencement of the business of the Committee or other business and a period of such residence, not exceeding two days, immediately succeeding the conclusion of the business of the Committee or other business.

(II) Daily allowance shall be admissible to a member for each day of residence on duty irrespective of the time of arrival or departure

Amenities.

5. (1) A member shall be entitled to such residential accommodation on concessional rates at the place of sitting of the Assembly as may be prescribed by rules under section 7.

(2) Every member shall be entitled to have a telephone installed at any place within his constituency or at his permanent place of residence, if such facility is available at such place at normal rates and without incurring any additional cost, or at Simla as may be specified by him, and after the place of installation is so specified, the charges for first installation of, and security deposit and annual rent for, such telephone shall be borne by the State Government and all other expenses, such as those relating to local and outside calls shall be paid by the member:

Provided that the expenditure on local and outside calls incurred by a member in any month shall be reimbursed by the Government subject to a maximum of fifty rupees.

Free transit by railway or State Transport Undertaking.

6. (1) Every member shall be provided with—

(a) two free non-transferable first class passes which shall entitle him and his wife or any other person accompanying him to look-after and assist him to travel at any time by any railway in India:

Provided that if the journey is performed by him by air, he shall be paid an amount equal to one first class fare for each such journey:

Provided further that he shall not be entitled to perform more than two return journeys by air in any financial year:

Provided further that the aggregate distance so travelled under, either or both the passes or by air in any financial year does not exceed sixteen thousand kilometres; and

(b) one free non-transferable pass, which shall entitle him to travel without payment of fare and passenger tax thereon by any public service vehicle of the Himachal Pradesh Government Transport or the Mandi-Kulu Road Transport Corporation.

(2) The free passes issued to a member under sub-section (1) shall be valid for the term of his office and on the expiration of such term these shall be surrendered by him to the Secretary of the Himachal Pradesh Legislative Assembly.

(3) Nothing in this section shall be construed as disentitling a member to any travelling allowance to which he is otherwise entitled under the provisions of this Act or rules made thereunder.

7. (1) The Speaker may make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, the Speaker may make rules in respect of the following matters, Power make r
namely:

- (a) any matter which is required by this Act to be prescribed;
- (b) the rates on and circumstances under which travelling and halting allowances may be drawn and the circumstances under which such allowances may be withheld;
- (c) the manner in which distances between any two places should be calculated for the purposes of travelling allowance;
- (d) the shortest available route by which a journey can be performed;
- (e) the form in which claims may be presented, the method of scrutiny of claims and the authorities by and the manner in which such claims may be certified and paid;
- (f) provision for residential accommodation of members mentioned in section 5; and
- (g) any other matter connected with or incidental to the matters aforesaid.

(3) Until such rules come into force, all matters of detail not covered by this Act, shall be governed by the rules hitherto in force for the payment of allowances to members, so far as they are applicable and contained in the Salaries and Allowances of Members of the Legislative Assembly (Himachal Pradesh) Act, 1963 so far as these are consistent with the provisions of this Act.

8. If any question arises as to the interpretation of this Act or of the rules made thereunder, the matter shall be referred to the Speaker whose decision shall be final.

4 of 1963

9. (1) The Salaries and Allowances of the Members of the Legislative Assembly (Himachal Pradesh) Act, 1963 and the Salaries and Allowances of the Members of the Legislative Assembly (Himachal Pradesh) Ordinance, 1971 are hereby repealed.

4 of 1963

(2) Notwithstanding such repeal, anything done or any action taken or purporting to have been done or taken (including any rules, notifications or orders made or issued) in exercise of any power conferred by or under the said Act and Ordinance shall be deemed to have been done or taken under this Act.

3 of 1971

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